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August 28, 2018

VIA CM/ECF & HAND DELIVERY

The Honorable Sherry R. Fallon
District Court of Delaware
J. Caleb Boggs Federal Building
Wilmington, DE 19801-3567

Re: *Liqwd, Inc., et al. v. L'Oréal USA, Inc., et al.*, C.A. No. 17-14 (JFB) (SRF)

Dear Judge Fallon:

As per the Court's Oral Order dated August 1, 2018, the parties have now completed briefing on the two issues implicated by the Protective Order: (1) participation of Plaintiffs' outside counsel, Mr. Matthew Blackburn, in post-grant review proceedings, and (2) access to Defendants' Highly Confidential Information by Plaintiffs' in-house counsel, Ms. Tiffany Walden. *See* D.I. 358, 368, 374, 380, 381. As the Court is aware, at the same time, the Court also ordered the parties to produce certain documents by August 29, 2018. In accordance with that order, Defendants plan to produce highly confidential information tomorrow, including lab notebooks. Given the outstanding protective order issues before the Court, Defendants asked Plaintiffs to shield Mr. Blackburn and Ms. Walden from receiving Defendants' highly confidential information until the protective order dispute is resolved by the Court. Plaintiffs have refused to do so and have indicated that both Mr. Blackburn and Ms. Walden will additionally be participating in the upcoming depositions of former employees of Defendants, which are scheduled for next week and will involve Defendants' highly confidential information. As such, Defendants write to seek the Court's prompt guidance on this issue. Defendants believe that both Mr. Blackburn and Ms. Walden should not have access to any of Defendants' highly confidential information until the protective order issues are resolved by this Court. Mr. Blackburn, of course, can continue to participate in the litigation provided he confirms that he will have no further involvement in the post-grant proceedings. As for Ms. Walden, she should not have access to Defendants' highly confidential information until the Court addresses the protective order issues.

We appreciate the Court's prompt attention to this matter.

Respectfully,

/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III (#2555)

cc: Counsel of Record (via CM/ECF and E-Mail)

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